

Moved by Davis

Seconded by Hill

IN THE SENATE  
SENATE AMENDMENT TO H.B. NO. 404

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 41; and on page 2, delete lines 1 through 8, and insert:

"SECTION 1. LEGISLATIVE INTENT. Whereas, the Capitol Building and the Capitol Mall, as well as other state-owned and leased grounds and facilities, function as the vibrant core of Idaho State Government for Idaho citizens and, as such, require unobstructed grounds and convenient access to ensure the health and safety of all citizens including touring visitors and school children; and, whereas, the state should always strive to maintain the highest aesthetic standards for the grounds of the Capitol Mall, as well as other state-owned and leased grounds and facilities; and, whereas, the Capitol Mall and other state-owned and leased grounds and facilities should have consistent public use guidelines where appropriate with the local government; the Legislature now finds that it is in the best interest of the public health and safety of Idaho citizens to regulate the use of the grounds of the Capitol Mall and other state-owned and leased grounds and facilities in order to prevent the unauthorized use of these grounds and facilities as a temporary or permanent place for camping, lodging or living accommodations.

SECTION 2. That Chapter 16, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1613, Idaho Code, and to read as follows:

67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES -- CAMPING PROHIBITED. No person shall camp on or in any state-owned or leased property or facility including, but not limited to, the capitol mall, except those that are designated as a recreational camping ground, area or facility. The provisions of this section shall not apply or affect policies, rules, statutes or leases on endowment lands, department of parks and recreation lands or department of fish and game lands. For the purposes of this section, the term "camp" or "camping" means to use as a temporary or permanent place of dwelling, lodging or living accommodation, and which indicia of camping may include, but are not limited to, storing personal belongings, using tents or other temporary structures for storing personal belongings or for sleeping, carrying on cooking activities, laying out bedding or making any fire. Any person who violates the provisions of this section shall be guilty of an infraction. Such persons shall be required to remove all their personal property from the state-owned or leased property.

1       SECTION 3. That Chapter 16, Title 67, Idaho Code, be, and the same is  
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 3 ignated as Section 67-1613A, Idaho Code, and to read as follows:

4       67-1613A. DISPOSITION OF PROPERTY. Any property remaining after is-  
 5 suance of a citation or any property left unattended shall be held by the  
 6 agency or its agent removing the property in a secure location for a period  
 7 of not less than ninety (90) days. Notice shall be posted and remain at the  
 8 nearest reasonable location to the place of removal with the agency's or  
 9 agent's contact information for the ninety (90) day period. If property is  
 10 not claimed within the ninety (90) day period, the property shall be deemed  
 11 abandoned and the agency shall have the right to dispose of the property. A  
 12 reasonable storage fee as determined by the agency may be assessed at the  
 13 time an owner claims the property. The individual claiming the property  
 14 shall produce identification and shall sign a release form providing his or  
 15 her name and contact information and swearing that the property belongs to  
 16 the claiming party. If the provisions of this section are complied with, the  
 17 state of Idaho, its agents, employees and contractors shall be immune from  
 18 legal liability for the administration of this section.

19       SECTION 4. SEVERABILITY. The provisions of this act are hereby declared  
 20 to be severable and if any provision of this act or the application of such  
 21 provision to any person or circumstance is declared invalid for any reason,  
 22 such declaration shall not affect the validity of the remaining portions of  
 23 this act.

24       SECTION 5. An emergency existing therefor, which emergency is hereby  
 25 declared to exist, this act shall be in full force and effect on and after its  
 26 passage and approval."

27                                   CORRECTION TO TITLE

28       On page 1, delete lines 2 through 7, and insert:  
 29 "RELATING TO THE CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES;  
 30 PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 16, TITLE 67, IDAHO  
 31 CODE, BY THE ADDITION OF A NEW SECTION 67-1613, IDAHO CODE, TO PROHIBIT  
 32 CAMPING ON OR IN CERTAIN STATE PROPERTY AND FACILITIES, TO PROVIDE  
 33 EXCEPTIONS, TO DEFINE A TERM AND TO PROVIDE FOR AN INFRACTION; AMEND-  
 34 ING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
 35 67-1613A, IDAHO CODE, TO PROVIDE PROCEDURES FOR DISPOSITION OF PROPERTY  
 36 REMOVED FROM PUBLIC PROPERTY FOR VIOLATING A STATUTE THAT FORBIDS A CAMP  
 37 OR CAMPING; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY."